

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEIGH FOXLEY,	)	CASE NO. C06-0114-RSL
	)	
Plaintiff,	)	
	)	
v.	)	ORDER GRANTING DEFENDANTS'
	)	MOTION FOR SUMMARY
TIM CRISTMAN, et al.,	)	JUDGMENT AND DENYING
	)	PLAINTIFF'S MOTION FOR
Defendants.	)	SUMMARY JUDGMENT
	)	

The Court, having reviewed plaintiff's civil rights complaint, defendants' motion for summary judgment, plaintiff's motion for summary judgment, the Report and Recommendation of Judge Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:


- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' motion for summary judgment (Dkt. No.15) is GRANTED, and plaintiff's motion for summary judgment (Dkt. No. 16) is DENIED;
- (3) Plaintiff's complaint, and this action, are DISMISSED with prejudice as to plaintiff's Eighth Amendment claim and without prejudice as to plaintiff's medical malpractice claim; and

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ORDER GRANTING DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND DENYING  
PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT  
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01 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
02 defendants, and to the Honorable Mary Alice Theiler.

03 DATED this 17<sup>th</sup> day of January, 2007.

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06 Robert S. Lasnik  
07 United States District Judge  
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